IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 9444 of 2005

Between:

Kotamarthi Gopala Krishna Murthy, S/o. Bhima Rao,
R/o. 2-103, Agraharam Street, Kasim Kota, Visakhapatnam.

..... PETITIONER

AND

1 The Divisional Railway Manager, South Central Railway,
(East Coast Railways), Waltair Division, Visakhapatnam.
2 The Senior Assistance Financial Advisor, East Coast Railway,
Visakhapatnam.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, especially, one in the nature of Writ of Certiorari calling for the records of the orders passed in OA No. 129/2005 dt. 24-3-2005 on the file of the Central Administration Tribunal, Hyderabad Bench, Hyderabad Quash the same and consequently direct the respondents to release petitioner's gratuity and insurance amount.

Counsel for the Petitioner:MR.CH.RAVINDER

Counsel for the Respondents: MR.GOURI SHANKAR SANGHI

The Court at the admission stage made the following :

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ORDER: (Per the Hon'ble Sri Justice G.Bikshapathy)

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This Writ Petition is filed by the petitioner challenging the order dated 24-3-2005 in O.A.No.129 of 2005 on the file of the Central Administrative Tribunal, Hyderabad.

2. The petitioner is the applicant before the Tribunal. He filed O.A. before the Tribunal seeking a direction to declare the action of the respondents in not releasing his gratuity and insurance amount payable to him, though he retired on 31-3-2004 as illegal and arbitrary. He further submits that the attachment cannot be affected in respect of gratuity and insurance by virtue of the provision contained under Section 60 of C.P.C. The Tribunal observed that when the Civil Court has already granted attachment order in O.S.No.363 of 2004, the respondents are bound to comply with the same. The petitioner ought to have file a petition to vacate the attachment orders.

3. We are afraid, we cannot accept the contention of the learned counsel for the petitioner. The Tribunal has rightly observed that the O.A. is not maintainable. It is always open for the petitioner to get the attachment order vacated. But the petitioner approached the Tribunal as well as this Court unnecessarily to circumvent the process.

4. Heard Mr. Gouri Shankar Sanghi learned counsel appearing for the respondents.

4. Thus, we do not find any ground to interfere with the order of the Tribunal.

5. The learned counsel for the petitioner submits that the petitioner has retired from service. Therefore, imposition of costs of Rs.1,000/- by the Tribunal will cause hardship to him. In view of the above circumstances, the petitioner need not pay costs of Rs.1,000/-.

6. Accordingly, the Writ Petition is dismissed. No order sas to costs.

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G.Bikshapathy,J.

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P.S.Narayana, J.

26th April, 2005.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Divisional Railway Manager, South Central Railway,
(East Coast Railways), Waltair Division, Visakhapatnam.
2 The Senior Assistance Financial Advisor, East Coast Railway,
Visakhapatnam.

3. 2 CD copies

4. The Registrar, Central Administrative Tribunal, Hyderabad.

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

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WRIT PETITION NO : 9444 of 2005

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26TH APRIL, 2005